

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated May 12, 2006 (hereinafter Office Action) have been considered. Claims 1-17 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant has amended dependent Claim 5 to correct a typographical error and not for any reasons related to patentability.

With respect to the §101 rejection of Claim 17, Applicant has amended the claim to be directed to a computer-readable medium that comprises computer-executable instructions stored thereon. Such a computer-readable medium is not descriptive material and constitutes statutory subject matter as it is directed to a practical application of carrying out handover using a selected connection setting. *See, e.g.*, MPEP §2106(IV)(B)(2)(b). Applicant accordingly submits that Claim 17 is directed to statutory subject matter and requests that the rejection be withdrawn.

Applicant respectfully traverses the §102(e) rejection of Claims 1-17 based on U.S. Publication No. 2005/0101323 by De Beer (hereinafter “De Beer”) because the asserted De Beer reference is unrelated to the claimed invention and therefore does not teach or suggest each of the limitations of the claimed invention. De Beer is directed to an initial network selection for terminal attachment. *See*, Fig. 6 titled “Network Selection for Registration.” In contrast, the claimed invention is directed to the process of handover, which involves changing connection settings such that an original connection is changed to a new one. *See, e.g.*, Specification at page 2, lines 24-27. Contrary to the Examiner’s assertion, De Beer’s Abstract makes no reference to handover. Since De Beer is directed to an initial network selection upon registration of a device, De Beer does not address handover or teach any of the limitations directed to a current network identifier.

More specifically, De Beer fails to at least teach comparing, in the terminal, the current network identifier associated with the currently applied at least one connection setting to the stored network identifier associated with at least one other available

connection setting, as claimed in each of independent Claims 1, 9 and 17. The cited portion at paragraph [0058] merely teaches comparing a list of available networks with a list of preferred networks. Since Fig. 6 illustrates “an initial part of the registration procedure,” there is no discussion or teaching of a currently applied connection setting having a current network identifier or any comparison using such a current network identifier. Without a presentation of correspondence to each of the claimed limitations, the §102(e) rejection is improper.

Applicant notes that to anticipate a claim, the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. §102. Applicant respectfully submits that De Beer does not teach every element of independent Claims 1, 9 and 17, in the requisite detail, and therefore fails to anticipate Claims 1-17.

Moreover, since De Beer fails to correspond to limitations directed to a current network identifier, De Beer also fails to teach selecting at least one connection setting associated with the same network identifier as associated with the currently applied connection setting. The Examiner has not identified any teachings in De Beer that correspond to such limitations. Further, De Beer does not appear to teach such limitations since De Beer does not include any discussion of a handover process. The Examiner has not shown that De Beer teaches each of the claimed limitations in as complete detail as contained in the claims to support the §102 rejection. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-8 and 10-16 depend from independent Claims 1 and 9, respectively, and also stand rejected as being anticipated by De Beer. While Applicant does

not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency, these rejections are moot in view of the remarks made above in connection with independent Claims 1 and 9. These dependent claims include all of the limitations of independent Claims 1 and 9 and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, the rejection of dependent Claims 2-8 and 10-16 is improper and should be withdrawn.

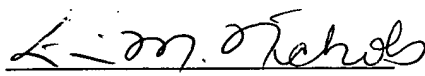
The Examiner has not shown that, nor does, De Beer teach or suggest each of the claimed limitations. Thus, the §102(e) rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.080PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact her at the number below to discuss any issues related to this case.

Respectfully submitted,

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By: 
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